

Hon. James L. Robart
Trial Date: October 15, 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

PATRICK JACK and LESLIE JACK,
husband and wife,

Plaintiff,

v.

ASBESTOS CORPORATION, LTD. et al.;

Defendants.

No. 2:17 cv-00537-JLR

STIPULATION AND ~~PROPOSED~~
ORDER FOR FILING OF SECOND
AMENDED COMPLAINT

JLR

STIPULATION

IT IS HEREBY STIPULATED by and between the parties hereto through their respective attorneys of record that Plaintiffs Leslie Jack and David Jack may file without leave of court a Second Amended Complaint, a true and correct copy of which is attached hereto as **Exhibit A**.

IT IS FURTHER STIPULATED that the defendants waive notice and service of the Second Amended Complaint and shall not be required to answer the amendment, and that all denials, responses and affirmative defenses contained in the answer filed by defendant to the original complaint shall be responsive to the amended complaint.

STIPULATION AND ~~PROPOSED~~ ORDER
FOR FILING OF SECOND AMENDED
COMPLAINT- 1

SCHROETER GOLDMARK & BENDER
500 Central Building, 810 Third Avenue Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

1 DATED: February 21, 2018

SCHROETER, GOLDMARK &
BENDER

/s/ Thomas J. Breen

Thomas J. Breen, WSBA #34574
810 Third Avenue, Suite 500
Seattle, WA 98104
Phone: (206) 622-8000
*Attorneys for Plaintiffs Leslie Jack and
David Jack*

8 DATED: February 18, 2018

DEAN OMAR BRANHAM, LLP

/s/ Benjamin H. Adams

Benjamin H. Adams
302 N. Market St., Ste. 300
Dallas, TX 75202
214/722-5990
*Attorneys for Plaintiffs Leslie Jack and
David Jack*

14 DATED: February 19, 2018

GORDON, THOMAS, HONEYWELL
LLP

/s/ James Horne

James Horne
Michael Ricketts
600 University, Ste 2100
Seattle, WA 98101
206-676-7575
Attorneys for IMO Industries, Inc.

26 STIPULATION AND [PROPOSED] ORDER
FOR FILING OF SECOND AMENDED
COMPLAINT- 2

SCHROETER GOLDMARK & BENDER
500 Central Building, 810 Third AvenueSeattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

644430

1 DATED: February 19, 2018

WILLIAM KASTNER & GIBBS

2 /s/ Dana C. Kopij

3 /s/ Nicole MacKensie

4 Dana C. Kopij

Nicole R. Mackenzie

5 Ryan W. Vollans

601 Union Street, Ste 4100

Seattle, WA 98101

206-628-6614

7 *Attorneys for Standard Motor Products,*
8 *Inc.; Carrier Corporation; Parker-*
9 *Hannifin; Valve & Controls USA, Inc.;*
10 *The Nash Engineering Company;*
11 *Autosales, Incorporates d/b/a Summit*
12 *Racing Equipment*

11 DATED: February 19, 2018

SIRIANNI YOUTZ SPOONEMORE
HAMBURGER

13 /s/ Chris R. Youtz

14 Chris R. Youtz

15 701 5th Ave, Ste 2560

Seattle, WA 98104

206-223-0303

16 *Attorneys for Uniroyal Holdings, Inc.*

17 DATED: February 21, 2018

FOLEY & MANSFIELD, PLLP

19 *See attached signature page*

20 Brian Smith

James D. Hicks

999 Third Ave, Ste 3760

Seattle, WA 98104

206-456-5056

22 *Attorneys for The William Powell*
23 *Company*

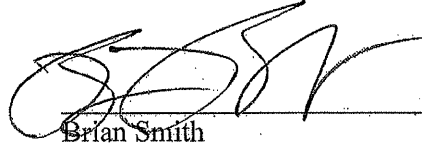
24
25
26
STIPULATION AND [PROPOSED] ORDER
FOR FILING OF SECOND AMENDED
COMPLAINT- 3

SCHROETER GOLDMARK & BENDER
500 Central Building, 810 Third Avenue Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

644430

DATED: February 19, 2018

FOLEY & MANSFIELD, PLLP



Brian Smith

James D. Hicks

Attorneys for The William Powell Company

DATED: February __, 2018

BULLIVANT HOUSER BAILEY PC

Jeanne F. Loftis

Melissa Kenney

Attorneys for Genuine Parts Company;

Aurora Pump Company

DATED: February __, 2018

SELMAN BREITMAN LLP

Richard D. Ross

Michael J. Madderra

Attorneys for Borg-Warner Morse Tec, LLC;

John Crane, Inc.

DATED: February __, 2018

FUCILE & REISLING LLP

Mark J. Fucile

Attorneys for Ford Motor Company

1 DATED: February 19, 2018

BULLIVANT HOUSER BAILEY PC

2
3 /s/ Elizabeth Bain

Jeanne F. Loftis

4 Elizabeth Bain

1700 Seventh Ave, Ste 1800

5 Seattle, WA 98101

206-292-8930

6 *Attorneys for Genuine Parts Company;*

7 *Aurora Pump Company*

8 DATED: February 19, 2018

SELMAN BREITMAN LLP

9 /s/ Richard . Ross

10 Richard D. Ross

11 Michael J. Madderra

800 Fifth Ave, Ste 4100

12 Seattle, WA 98104

206-447-6461

13 *Attorneys for Borg-Warner Morse Tec,*
14 *LLC; John Crane, Inc.*

15 DATED: February 16, 2018

FUCILE & REISLING LLP

16 /s/ Mark J. Fucile

17 Mark J. Fucile

800 NW Sixth Ave, Ste 211

18 Portland, OR 97209

503-224-4332

19 *Attorneys for Ford Motor Company*

20 DATED: February 19, 2018

TANENBAUM KEALE, LLP

21 /s/ Erin P. Fraser

22 Christopher S. Marks

Erin P. Fraser

23 601 Union St., Ste. 4253

Seattle, WA 98101

24 206/227-5477

25 *Attorneys for General Electric*
Company; CBS Corporation; Foster
26 *Wheeler Energy Corporation*

STIPULATION AND [PROPOSED] ORDER
FOR FILING OF SECOND AMENDED
COMPLAINT- 4

SCHROETER GOLDMARK & BENDER
500 Central Building, 810 Third Avenue Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

1 DATED: February 21, 2018
2 PLLC

PREG O'DONNELL & GILLETT

3 /s/ David E. Chawes

4 David E. Chawes
5 901 Fifth Ave, Ste 3400
6 Seattle, WA 98164
7 206-287-1775
8 *Attorneys for Armstrong International,*
9 *Inc.*

10 DATED: February 19, 2018

GORDON & REES LLP

11 /s/ Mark B. Tuvim

12 Mark B. Tuvim
13 Kevin J. Craig
14 701 5th Ave, Ste 2100
15 Seattle, WA 98104
16 206-695-5100
17 *Attorneys for Asbestos Corporation Ltd.;*
18 *Ingersoll Rand Company; Velan Valve*
19 *Corporation.*

20 DATED: February 19, 2018
21 LLP

GORDON, THOMAS, HONEYWELL

22 /s/ Diane J. Kero

23 Diane J. Kero
24 600 University, Ste 2100
25 Seattle, WA 98101
26 206-676-7575
Attorney for Pneumo Abex, LLC; Dana
Companies, LLC

DATED: February 21, 2018

RIZZO MATTINGLY BOSWORTH PC

/s/ Claude F. Bosworth

Claude F. Bosworth
1300 SW Sixth Ave, Ste 330
Portland, OR 97201
503-229-1819
Attorney for Gardner Denver, Inc.

STIPULATION AND [PROPOSED] ORDER
FOR FILING OF SECOND AMENDED
COMPLAINT- 5

SCHROETER GOLDMARK & BENDER
500 Central Building, 810 Third Avenue Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

1 DATED: February 20, 2018

LEWIS BRISBOIS BISGAARD &
SMITH LLP

3 /s/ Marc M. Carlton

Randy J. Aliment

Marc M. Carlton

1111 Third Avenue, Ste 2700

Seattle, WA 98101

206-436-2020

6 *Attorneys for Flowserve US, Inc., solely*
7 *as Successor-in-interest to Edward*
8 *Valves, Inc.*

9 DATED: February 19, 2018

K&L GATES LLP

10 /s/ G. William Shaw

G. William Shaw

Ryan J. Groshong

925 4th Avenue, Suite 2900

Seattle, WA 98104

206-623-7580

13 *Attorneys for Crane Co.*

14 DATED: February 19, 2018

BULLIVANT HOUSER BAILEY PC

15 /s/ Michael Mackenzie Brown

Katherine M. Steele

Michael Mackenzie Brown

1700 Seventh Ave, Ste 1800

Seattle, WA 98101

206-292-8930

19 *Attorneys for M.W. Custom Papers,*
20 *LLC; Kelsey-Hayes Company*

21 DATED: February 19, 2018

GARDNER TRABOLSI &
ASSOCIATES, PLLC

22 /s/ Ronald C. Gardner

Ronald C. Gardner

2200 6th Ave, Ste 600

Seattle, WA 98121

206-256-6309

25 *Attorneys for Goulds Pumps, LLC;*
26 *Viad Corporation; Crosby Valves, LLC.*

STIPULATION AND [PROPOSED] ORDER
FOR FILING OF SECOND AMENDED
COMPLAINT- 6

SCHROETER GOLDMARK & BENDER
500 Central Building, 810 Third AvenueSeattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

1 DATED: February 20, 2018

PERKINS COIE LLP

2
3 /s/ Kristine E. Kruger

Mary Z. Gaston

Kristine E. Kruger

4 1201 Third Avenue, Ste 4900

5 Seattle, WA 98101

6 *Attorneys for Honeywell International,*
Inc.

7 DATED: February 20, 2018

RIZZO MATTINGLY BOSWORTH PC

8 /s/ Allen E. Fraut

9 Allen E. Fraut

Shaun M. Morgan

10 1300 SW Sixth Ave, Ste 330

11 Portland, OR 97201

503-229-1819

12 *Attorneys for Warren Pumps, LLC*

13 DATED: February 19, 2018

LANE POWELL/BERKES CRANE
ROBINSON & SEAL

14
15 /s/ Viiu Spangler Khare

16 Tim D. Wackerbarth

Jeffrey M. Odom

17 Ryan T. Moore

Viiu Spangler Khare

18 1420 Fifth Ave, Ste 4200

19 Seattle, WA 98111

20 206-223-7000

21 *Attorneys for Union Pacific Railroad*
Company

22 **ORDER**

23 The Court, having reviewed the Stipulation of the Parties and finding good cause,
24 hereby issues an Order that:

- 25 1. Plaintiffs may file without leave of court a Second Amended Complaint; and

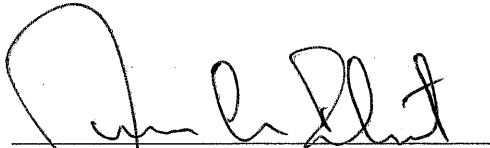
26 STIPULATION AND ~~PROPOSED~~ ORDER
FOR FILING OF SECOND AMENDED
COMPLAINT- 7

SCHROETER GOLDMARK & BENDER
500 Central Building, 810 Third Avenue Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

2. Defendants waive notice and service of the Second Amended Complaint and shall not be required to answer the amendment, and that all denials, responses and affirmative defenses contained in the answers filed by defendants to the original complaint shall be responsive to the Second Amended Complaint.

IT IS SO ORDERED.

DATED: 22 February 2018



HON. JAMES L. ROBART
UNITED STATES DISTRICT JUDGE

Presented by:
SCHROETER, GOLDMARK & BENDER

By: s/ Thomas J. Breen

By: s/ Lucas Garrett

By: s/ Kristin Houser

THOMAS J. BREEN, WSBA #34574

LUCAS GARRETT, WSBA #38452

KRISTIN HOUSER, WSBA #7286

810 Third Avenue, Suite 500

Seattle, WA 98104

Phone: (206) 622-8000/ Fax: (206) 682-2305

Email: houser@sgb-law.com;

breen@sgb-law.com

and

DEAN OMAR BRANHAM, LLP

By: s/ Benjamin H. Adams

BENJAMIN H. ADAMS (*Pro hac vice*)

CA. BAR NO. 272909

4343 Finley Avenue, #5

Los Angeles, CA 90027

(214) 722-5990

badams@dobllp.com

Counsel for Plaintiffs

STIPULATION AND [PROPOSED] ORDER
FOR FILING OF SECOND AMENDED
COMPLAINT- 8

SCHROETER GOLDMARK & BENDER
500 Central Building, 810 Third Avenue Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Allen Eraut aeraut@rizzopc.com, recordsmanagement@rizzopc.com

Andrew Gordon Yates yatesa@lanepowell.com, beneskik@lanepowell.com,
docketing-sea@lanepowell.com, mitchells@lanepowell.com

Barry Neal Mesher bnm@bnmesherlaw.com

Benjamin H. Adams badams@dobllp.com, case@dobllp.com,
cweeks@dobllp.com, dsmith-hogan@dobllp.com

Brendan Hanrahan brendan.hanrahan@bullivant.com,
genevieve.schmidt@bullivant.com, leslie.narayan@bullivant.com

Brian Bernard Smith bsmith@foleymansfield.com, asbestos-sea@foleymansfield.com,
brianrunfar@yahoo.com

Brian D Zeringer brian.zeringer@sedgwicklaw.com,
asbestos.seattle@sedgwicklaw.com

Charles W Branham , III tbranham@dobllp.com

Chris Robert Youtz chris@sylaw.com, matt@sylaw.com, theresa@sylaw.com

Christopher S Marks cmarks@tktrial.com, asbestos.service@tktrial.com,
mtiegen@tktrial.com

Claude Bosworth cbosworth@rizzopc.com, recordsmanagement@rizzopc.com

Dana C Kopij dkopij@williamskastner.com, jsteward@williamskastner.com

STIPULATION AND [PROPOSED] ORDER
FOR FILING OF SECOND AMENDED
COMPLAINT- 9

SCHROETER GOLDMARK & BENDER
500 Central Building, 810 Third Avenue Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

1 David E Chawes dchawes@pregodonnell.com, hvanburen@pregodonnell.com

2 Diane J. Kero dkero@gth-law.com, gschardt@gth-law.com, service@gth-law.com

3 Erin P Fraser efraser@tktrial.com, mtiegen@tktrial.com

4 G William Shaw bill.shaw@klgates.com, Janet.Lewis2@klgates.com,

5 peggy.mitchell@klgates.com, phong.hong@klgates.com, Ryan.Groshong@klgates.com

6 James D Hicks jhicks@foleymansfield.com

7 James Edward Horne jhorne@gth-law.com, gschardt@gth-law.com,

8 imoservice@gth-law.com, kcalkins@gth-law.com

9 Jeanne F Loftis jeanne.loftis@bullivant.com, alicia.soine@bullivant.com,

10 Asbestos-pdx@bullivant.com, portlanddocketing@bullivant.com,

11 stephanie.wilken@bullivant.com

12 Jeffrey M Odom odomj@lanepowell.com, carchanoh@lanepowell.com,

13 carrington-dahlk@lanepowell.com, docketing-sea@lanepowell.com

14 John G Goller jgoller@vonbriesen.com, jmitten@vonbriesen.com,

15 tdahms@vonbriesen.com

16 Katherine M. Steele Asbestos@bullivant.com, freida.mason@bullivant.com

17 Kevin J Craig kcraig@gordonrees.com, lgallegos@gordonrees.com,

18 opidgorodetskaya@gordonrees.com

19 Kristin M Houser houser@sgb-law.com, bell@sgb-law.com, farley@sgb-law.com,

20 jones@sgb-law.com, oneil@sgb-law.com, ylitalo@sgb-law.com

21 Kristine E Kruger kkruger@perkinscoie.com, docketpor@perkinscoie.com,

22 DWilliams@perkinscoie.com, kristinekruger@gmail.com, MLewis@perkinscoie.com

23
24
25
26
STIPULATION AND [PROPOSED] ORDER
FOR FILING OF SECOND AMENDED
COMPLAINT- 10

SCHROETER GOLDMARK & BENDER
500 Central Building, 810 Third Avenue Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

1 Lucas W.H. Garrett garrett@sgb-law.com

2 Marc Marshall Carlton marc.carlton@lewisbrisbois.com, [3 \[Asbestos@lewisbrisbois.com\]\(mailto:Asbestos@lewisbrisbois.com\), \[stacey.miller@lewisbrisbois.com\]\(mailto:stacey.miller@lewisbrisbois.com\)](mailto:Seattle-</p></div><div data-bbox=)

4 Mark B Tuvim mtuvim@gordonrees.com, akendrick@gordonrees.com,

5 ljallegos@gordonrees.com, opidgorodetskaya@gordonrees.com

6 Mark J Fucile mark@frllp.com, service@frllp.com, signe@frllp.com

7 Mary P Gaston mgaston@perkinscoie.com, docketsea@perkinscoie.com,

8 HW_Asbestos_SEA@perkinscoie.com, istarr@perkinscoie.com

9 Michael Edward Ricketts mricketts@gth-law.com, gschardt@gth-law.com,

10 imoservice@gth-law.com, kcalkins@gth-law.com

11 Michael J Madderra mmadderra@selmanlaw.com

12 Michael Mackenzie Brown mac.brown@bullivant.com,

13 Freida.Mason@bullivant.com

14 Nicole R. MacKenzie nmackenzie@williamskastner.com,

15 cberry@williamskastner.com, wkgasbestos@williamskastner.com

16 Rachel Tallon Reynolds asbestos@bullivant.com, elizabeth.pina@bullivant.com,

17 racheltallon@gmail.com, tonyha.davies@bullivant.com

18 Randy J Aliment randy.aliment@lewisbrisbois.com,

19 colette.saunders@lewisbrisbois.com

20 Richard D Ross rross@selmanlaw.com, mmadderra@selmanlaw.com

21 Richard G Gawlowski gawlowski@wscd.com, ossenkop@wscd.com,

22 reyes@wscd.com

23 STIPULATION AND [PROPOSED] ORDER
24 FOR FILING OF SECOND AMENDED
25 COMPLAINT- 11
26

SCHROETER GOLDMARK & BENDER
500 Central Building, 810 Third Avenue Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

Ronald C Gardner rgardner@gandtlawfirm.com, khensley@gandtlawfirm.com

Ryan T Moore rmoore@bcrslaw.com

Ryan W Vollans rvollans@williamskastner.com, cberry@williamskastner.com

Thomas J. Breen breen@sbg-law.com, bell@sbg-law.com, farley@sbg-law.com,
jones@sbg-law.com, liberio@sbg-law.com, ylitalo@sbg-law.com

Tim D. Wackerbarth wackerbartht@lanepowell.com, docketing-sea@lanepowell.com,
mitchells@lanepowell.com, wallg@lanepowell.com

Viiu Spangler Khare vspanglerkhare@bcrslaw.com

William Joel Rutzick rutzick@sbg-law.com, jones@sbg-law.com, liberio@sbg-law.com,
ross@sbg-law.com, scrawford@sbg-law.com, ylitalo@sbg-law.com

DATED: February 22, 2018, at Seattle, Washington.

s/ Shannon Liberio

Shannon Liberio, Legal Assistant
SCHROETER GOLDMARK & BENDER
810 Third Avenue, Suite 500
Seattle, WA 98104
Phone: (206) 622-8000
Fax: (206) 682-2305
liberio@sbg-law.com

STIPULATION AND [PROPOSED] ORDER
FOR FILING OF SECOND AMENDED
COMPLAINT- 12

SCHROETER GOLDMARK & BENDER
500 Central Building, 810 Third Avenue Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305